

**Certificate of Need Process for the
Trimont Area Wind Farm
Commission Docket No. IP-6339/CN-03-1841**

On November 18, 2003, the Minnesota Public Utilities Commission (Commission) received a certificate of need application from Trimont Area Wind Farm LLC (Trimont). After the application was filed, Trimont entered into a Development and Purchase Option Agreement with Trimont Wind I, LLC (Trimont Wind I or the Applicant), an Oregon limited liability company and wholly-owned subsidiary of PPM Energy, Inc., an Oregon corporation. Under terms of the agreement, Trimont Wind I has assumed primary responsibility for permitting, constructing, operating, and maintaining the Trimont Area Wind Farm. Trimont Wind I plans to construct a 100-megawatt large wind energy conversion system in Martin and Jackson Counties near the Lakefield Junction station power plant. Output from the facility would be sold to Great River Energy (GRE). GRE provides generation and transmission services to 28 member distribution cooperatives, which in turn provide electricity to end-use customers across much of Minnesota.

What is the purpose of this document? It has been prepared by the staff of the Commission to provide background information that may be helpful to landowners and other citizens who have an interest in or concerns about this project.

- Project Name:** The Trimont Area Wind Farm,
Commission Docket No. IP-6339/CN-03-1841
(Note: This docket number should be used on all written materials filed with the Public Utilities Commission or with the Administrative Law Judge assigned to hear the case.)
- Proposed by:** Trimont Wind I, LLC
- Alleged Need:** In 2001, the Legislature prescribed renewable energy objectives for electric utilities. Great River Energy issued a request for proposals (RFP) to acquire renewable energy resources to help meet those objectives. Trimont was the winning bidder in that competitive process. According to the Company, GRE “determined that wind energy provided the most cost-effective, environmentally-friendly, and efficient method of meeting the criteria in its RFP and its overall renewable energy objectives.” Trimont’s project was selected by GRE over the other wind proposals. Further details are provided in the certificate of need application.

Project Description:

Current plans are to construct sixty-seven wind turbines, each capable of producing 1.5 megawatts (1,500 kilowatts) of electric power. The turbines are expected to have an 80-meter hub height and a rotor diameter of either 70.5 or 77 meters. Each tower would be secured by a concrete foundation. A step-up transformer would be installed at each turbine to raise the voltage to 34.5 kilovolts. An underground system of electrical feeder lines would collect the power and deliver it to the point of interconnection with the transmission grid. The project is planned for completion in 2004.

Project Location: A map of the general area where the project would be constructed is available in the certificate of need application.

To Obtain Further Information:

The Applicant - Call John E. Drawz or Ryan C. Brauer, Fredrikson & Byron, P.A at (612) 492-7074 or (612) 492-7252; alternatively, contact them by e-mail at jdrawz@fredlaw.com or rbrauer@fredlaw.com.

Public Utilities Commission - Contact David Jacobson by e-mail at david.jacobson@state.mn.us or by telephone at (651) 297-4562, or Clark Kaml by e-mail at clark.kaml@state.mn.us or by telephone at (651) 297-4563.

Minnesota Environmental Quality Board - Contact David Birkholz by e-mail at david.birkholz@state.mn.us or by telephone at (651) 296-2878.

Environmental Review: In accordance with its rules, the Minnesota Environmental Quality Board (EQB) will prepare an Environmental Report on the proposed project. For information on the Environmental Report process, contact David Birkholz at the EQB.

Project Review – the Certificate of Need Process: The Commission’s review process consists of the following basic steps, mostly in chronological order.

1. Review of the application for completion; order for the applicant to submit supplementary materials, if deemed necessary.
2. Request for assignment of an Administrative Law Judge (ALJ) from the Office of Administrative Hearings, an agency independent of the Commission.
3. Prehearing conference before the ALJ, to discuss several process issues, including an intervention deadline, discovery procedures, locations of public and evidentiary hearings, and a schedule for the hearings.
4. Preparation of an Environmental Report by the Minnesota Environmental Quality Board.
5. Efforts to notify the public of the hearing schedule and other matters, including display ads in local newspapers and (possibly) direct mailings to landowners most likely to be affected by the project.
6. Prefiling of expert testimony on relevant topics, including environmental effects, by the formal parties to the proceeding.
7. Public meetings/hearings to receive input and questions from the public.

8. Evidentiary hearings to receive testimony from formal parties and to conduct cross-examination of expert witnesses.
9. Filing of post-hearing briefs and findings of fact by the formal parties.
10. Filing of Findings of Fact, Conclusions and Recommendation by the ALJ (the ALJ's Report).
11. Filing of exceptions to the ALJ's Report by the formal parties.
12. Decision by the Public Utilities Commission.
13. Post-decision activities, possibly including reconsideration and judicial review.

Note: As of January 26, 2004, the first three steps above have been completed.

The Length of the Need Process: The certificate of need statute (Minn. Stat. § 216B.243) and rules (Minn. Rules, parts 7849.0010 to 7849.0400) include an advisory decision deadline of six months from the time a complete application is filed. However, for many projects, due-process requirements have caused the process to extend beyond six months.

What the Commission Decides (and What It Does Not): The need decision is designed to evaluate the level of need, as well as the alternatives available to satisfy that need. To oversimplify, the Commission determines the basic type of facilities to be constructed, the size of the facilities (e.g., total number of megawatts), and the timing of the facilities (e.g., projected in-service dates). The Commission does not determine the specific design of the facilities or the specific locations of the facilities. The need process is the only process in which the no-build option may be considered; that is, the need decision by the Commission is binding on other state agencies and local governments. (See Minn. Stat. § 216B.243, subd. 7.)

Hearing Schedule: The hearings will be held in the Trimont area at a location yet to be determined on April 5, 2004, beginning at 1 p.m. Special sessions will be held at 3 p.m. and 7 p.m. to receive questions and statements from members of the public. Additional hearings may be scheduled by the ALJ, if needed. The Applicant will publish notice of the public hearings in local newspapers within the next few weeks.

Ways for the Public to Participate: Members of the public may participate in several ways.

- By intervening as a formal party to the proceeding, which requires submission of an intervention petition to the ALJ; the deadline for intervention is March 12, 2004.
- By participating in the EQB's Environmental Report process.
- By offering comments and questions at the certificate of need hearings specifically designed for that purpose. Members of the public do not have to meet any other prior requirements to be able to participate in these hearings.
- By submitting written comments on environmental review information or other relevant issues by the end of the hearings to **Administrative Law Judge Allan W. Klein, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138.**

How Can I Review or Obtain a Copy of the Certificate of Need Application: Copies are available for review at the locations listed below.

- Law Offices of Fredrikson & Byron P.A., 4000 Pillsbury Center, 200 South Sixth Street, Minneapolis, MN 55402-1425. (A copy can be obtained by contacting Mr. Drawz or Mr. Brauer by telephone or e-mail as indicated above.)
- The Minnesota Department of Commerce, 85 Seventh Place East, Suite 500, St. Paul, MN 55101-2198.

A copy can also be viewed on the Fredrikson & Byron website at www.fredlaw.com/files/tawfcna/.